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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/094,991	06/15/1998	C. ROBERT GASPARRINI	0140-4126	9125

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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 03/26/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/094991

Applicant(s)

Gasparrini et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/6/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 46 and 49-56 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 46 and 49-52 is/are allowed.
- ☒ Claim(s) 53-56 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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Claims 53-56 are rejected under 35 U.S.C., second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 53-54 are confusing since it is unclear what the solvent applying encompasses since claim 53 recites that the solvent applying means is partially immersed in the solvent yet claim 54 recites the solvent applying ^{means} is comprised of a solvent supply roll, a rotating roller and an application roller yet the application roller and rotating roller as shown in Figure 6 are not immersed whatsoever in the solvent. Claim 53 is confusing since applicant has claimed the solvent applying means is partially immersed in the solvent yet applicant had failed to claim a means containing the solvent such that solvent applying means is partially immersed in the solvent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 53 and ~~55~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125.

Strandberg teaches the design of a apparatus for preparing a fabric comprised of a means for mounting a first supply roll having a strip of fabric wound around a beam or shaft; ~~a liquid treatment applying means for applying liquid treatment material which~~ includes a known solvent, water, to form a soaked strip of fabric; a means for forming a soaked/impregnated and dried strip of fabric, and an excess liquid treatment means which includes elements 8 and 9 which are interposed between the solvent or liquid treatment applying means and the second supply roll. Strandberg teaches the squeeze rollers 8, 9 have means for adjusting nip pressure therebetween such that strip of fabric is saturated to functional equilibrium obviously dependent on the nip pressure. The recitation that the solvent is an organic solvent does not structurally further limit the apparatus since the Strandberg liquid treatment applying means is capable of applying a variety of liquid treatments to the fabric including those which would include an organic solvent. Therefore, Strandberg's immersion roll 6 is arranged in the sizing tank 5 such that the Strandberg roll 6 is capable of treating the web with the coating material/sizing material while it is partially immersed in the coating or sizing material. Furthermore, the recitation that the solvent applying is partially submerged in the solvent does not exclude total immersion of the solvent applying means and is open to total immersion with the term "comprising".

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Zimmer

Strandberg is applied for the reasons. Strandberg fails to teach the solvent applying means includes a rotating roll, solvent supply roll and application roller mounted in the manner set forth in claim 54. However, it would have obvious given the modification of the Strandberg apparatus as discussed above by substituting its immersion roll with the combination of application roller and supply roller such as taught by Zimmer for the obvious advantage for greater control of the textile treating material applied to the web.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,207,125 in view of Beekhuis

Strandberg is applied for the reasons. Strandberg fails to teach the solvent applying means includes a solvent supply roll and application roller mounted in the manner set forth in claim 54. However, it would have obvious given the modification of the Strandberg apparatus as discussed above by substituting its immersion roll with the combination of rotating roller, application roller and supply roller partially immersed in the tank such as taught by Beekhuis for the taught advantage for greater control of the textile treating material applied to the web.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strandberg 3,267,125 in view of Wenger.

Strandberg is applied for the reasons noted above. Strandberg fails to disclose that the squeezing roller is juxtaposed with the dipping roller and submerged in the

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solvent. However, it would have been obvious to modify the Strandberg apparatus so as to provide a squeezing roller which is juxtaposed with the dipping roller and its lower portion submerged in the solvent/liquid such as taught by Wenger for the taught advantage of increased rate of size impregnation.

Applicant's arguments filed 12/6/02 have been fully considered but they are not persuasive.

Applicant's argument that Strandberg teaches against the partial immersion of the solvent applying means is found to be non-persuasive. First of all, it is unclear how the partial immersion of the solvent applying means further limits the claim since applicant has failed to claim the partially immersed solvent applying means in combination with a means containing the solvent such that the solvent applying means is partially immersed in the means containing the solvent. In any event, the recitation that the solvent applying means is partially submerged in the solvent does not exclude total immersion of the solvent applying means and in fact encompasses it. Second of all, the Strandberg 3,207,125 roller 6 is arranged in sizing tank 5 such that it is capable of applying coating/sizing the fabric while it is partially immersed in the coating/sizing.

Applicant's argument of the non-obviousness of combining Wenger and Strandberg is found to be non-persuasive. However, it would have been obvious to modify the Strandberg apparatus so as to provide a squeezing roller which is juxtaposed with the dipping roller and its lower portion submerged in the solvent/liquid such as taught by Wenger and upstream from the squeezing nip formed by roller 8, 9

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for the taught advantage of increased rate of size impregnation using a plurality of squeezing nips.

Applicant's argument that addition of the Wenger application roll to the Strandberg apparatus would change the principle of operation of the Strandberg apparatus is found to be non-persuasive. Strandberg teaches his apparatus provides an electrical conductivity measuring means for measuring the electrical conductivity of textile yarn or web after it has been treated with a treating liquid and indicating means for indicating the amount of added liquid determined as a function of the electrical conductivity of the treated yarn. Strandberg at column 4 line 6 to column 5 line 75 teaches wet web conductivity is related to liquid conductivity of the coating by a constant ratio which is determined by experimentation. Therefore, it would have been obvious that the Strandberg apparatus with Strandberg tank having conductivity probes arranged in the tank to provide a squeezer roller which is juxtaposed with the dipping roller and its lower portion submerged in the solvent/liquid such as taught by Wenger and upstream from another squeezing nip for the increased rate of size impregnation using a plurality of squeezing nips.

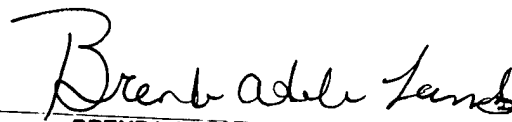
Applicant's argument that addition of Zimmer application roller outside the tank changes operation of Strandberg which is meant to monitor conductivity in the tank and not outside the tank on an application roller is found to be non-persuasive. The Strandberg apparatus as modified with Zimmer supply roll in the tank would continue to measure conductivity in the tank since Strandberg teaches wet web conductivity is

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related to the liquid conductivity as measured in the tank by a constant ratio and the constant ratio is determined by routine experimentation.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn
March 10, 2003


BREND A. LAMB
PRIMARY EXAMINER
GROUP 1300